IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

CRL.A.No. 2336 of 2007()

AGAINST THE ORDER DATED 08/08/2007 IN MC.46/2007 IN SC.1419/2006 of ADDL. DISTRICT & SESSIONS COURT (ADHOC) III, KOLLAM.

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APPELLANT: PETITIONERS/APPELLANTS

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1. LISSY, D/O.SARASAMMA, KALLUVATHUKKAL VILLAGE, KOTTAKKERAM CHERRY, MOLAKKADAYIL.

2. SUJATHA, W/O.SOMAN, SARITHABHAVANAM VEETTIL, KALLUVATHUKKAL VILLAGE, KOTTAKKERAM CHERRY.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: RESPONDENT

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. P. RAVEENDRA BABU, PUBLIC PROSECUTOR

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. RAMKUMAR , J

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CRL.A. NO. 2336 OF 2007

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Dated this the 3rd day of December, 2007.

JUDGMENT

The appellants were the sureties for the accused in S.C. No. 1419/2006 on the file of the Addl. Sessions Court (Adhoc III), Kollam which was an abkari case. The bond amount was Rs.10,000/-. Consequent on the non-appearance of the accused in the abkari case, proceedings were initiated against the appellants under Section 446 Cr.P.C. To the show cause notice issued to them in Form No. 47 of Schedule 2 of Cr.P.C, they had no explanation to be offered except that the accused had gone to Gulf and that they had no role to play in the accused slipping out to the country. This can hardly an explanation to the show cause notice. However, since the Apex Court in **Muhammed Kunju and another v. State of Karnataka** (1994 (4) Crimes 320 has given remission to sureties in a similar case, I am inclined to reduce the penalty by 50%. Accordingly, the penalty imposed on each of the revision petitioners is reduced to Rs.5000/- which if not paid within one month from today shall entail imprisonment of the defaulting surety in a civil prison for a period of three months if and when the amount becomes irrecoverable.

The Crl. Appeal is disposed of as above.

V. RAMKUMAR, JUDGE.

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